



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAY 30 2017

CERTIFIED MAIL NO. 70153010000038838841
RETURN RECEIPT REQUESTED

In Reply Refer to:
Hickman's Family Farms

Glenn Hickman
President and CEO
Hickman's Egg Ranch, Inc.
6515 S. Jackrabbit Trail
Buckeye, AZ 85326

RE: Request for Information – Hickman's Family Farms: Maricopa, Arlington North, Arlington South, and Tonopah

Dear Mr. Hickman:

The United States Environmental Protection Agency, Region IX, is investigating potential releases of ammonia from four facilities owned or operated by Hickman's Egg Ranch, Inc., trade name Hickman's Family Farms, in Maricopa, Arlington and Tonopah, Arizona. Continuous Release Reporting Forms submitted to the Arizona Department of Environmental Quality by Hickman's Family Farms indicate that the Maricopa, Arlington North, Arlington South, and Tonopah Hickman facilities each have releases of ammonia (CASRN # 7664-41-7) above the applicable reportable quantity.

With this letter and the enclosed list of questions, EPA seeks additional information and documents concerning your compliance with the requirements of Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). This Request for Information is a standard procedure in EPA's compliance assurance program and is authorized pursuant to the following federal environmental statutes:

- Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq.
- Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11001 et seq.

Pursuant to this authority, EPA requests that you provide EPA the records and documents requested in the attached list of questions (see Enclosure).

Your responses to this letter must be made by a letter, signed by a person or persons duly authorized to represent Hickman's Family Farms. Electronic copies of submittals are preferred. EPA believes that much of the requested information is, or should be, readily available to you. If there are any responsive documents or information which you are unable to provide, please provide an explanation for, and documentation of reasons for, your inability to provide that information. Please send your submittals so that they are *received by no later than June 30, 2017*. Address your response to:

Daniel Meer (SFD-9)
Assistant Director
Superfund Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
meer.daniel@epa.gov

Your compliance with this Request for Information is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This may include civil and administrative penalties of up to \$53,907 per day of noncompliance. In addition, the submission of knowingly false or misleading statements may be punished by a fine pursuant to Title 18 of the U.S. Code, or by imprisonment for not more than two years, or both.

Please note that, pursuant to regulations located at 40 CFR Part 2, Subpart B, you are entitled to assert a business confidentiality claim as provided in 40 CFR §2.203(b) covering any part of the submitted information as defined in 40 CFR § 2.201(c). For any information over which you make a claim of business confidentiality the document should clearly indicate your intent to claim confidentiality. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim, and information may be made available to the public without further notice to you.

Asserting a business confidentiality claim does not relieve you from the obligation to fully respond to this Request for Information. All confidentiality claims are subject to agency verification and must be made in accordance with 40 CFR 2.208, which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that the information is not, and has not been, reasonably obtainable by legitimate means without your consent.

Information you submit that is covered by a business confidentiality claim will only be disclosed by EPA in compliance with the procedures set forth by CERCLA Section 104(e) and 40 CFR Part 2, Subpart B. Information subject to a business confidentiality claim may be available to the public only to the extent set forth in 40 CFR Part 2. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. In addition, EPA has not waived any rights to take enforcement action for past or future violations.

This request for information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. §§ 3502(3), 3507, and 3512. *See, also*, 4 CFR §§ 1320.3(c), 1320.5, and 1320.6(a). Furthermore, this request is exempt from OMB review under the Paperwork Reduction Act because it is part of an investigation of a specific individual or entity. 44 U.S.C. § 3518(c)(1); 5 CFR § 1320.4.

If you have questions about the legal aspects of this Request for Information, please contact Ms. Letitia Moore, U.S. EPA Assistant Regional Counsel, at (415) 972-3928 or moore.letitia@epa.gov. The Region IX technical contact for this Request for Information is Daniel Meer, who may be reached at (415) 972-3132 or meerdaniel@epa.gov. We thank you in advance for your cooperation.

Sincerely,



Enrique Manzanilla, Director
Superfund Division

Enclosure (Instructions, Definitions and Request for Information)

cc (via email w/enclosures):

Robert Phalen, Environmental Program Manager, Hickman's Family Farms

Laura L. Malone, ADEQ

Sherri L. Zendri, Administrative Counsel, ADEQ

Phil McNeely, Maricopa County Air Quality Department

ENCLOSURE

Please provide the information requested in the Request for Information section of this Enclosure such that it is received by no later than **June 30, 2017**.

INSTRUCTIONS

1. Please provide a separate response to each request, and identify each response by the number of the request to which it corresponds and the Facility, i.e., Maricopa, Arlington-North, Arlington-South, or Tonopah. For each document produced, identify the request to which it is responsive.
2. Knowledge or information that has not been memorialized in any document, but is nonetheless responsive to a request, must be provided in a narrative form
3. All responsive documents must be: a) provided as an accurate and legible copy in a searchable PDF file format; b) submitted on via electronic media (thumb drive, CD, or DVD); and c) number stamped in sequential order (e.g. BATES stamped). Furthermore, data should be provided in spreadsheet format (e.g., Excel format), when available, rather than as image or PDF formats.
4. The scope of this Request for Information includes all information and documents obtained or independently developed by the Hickman's Family Farms, its attorneys, consultants or any of their agents, consultants, or employees.
5. Hickman's Family Farms may not withhold any information from EPA on the grounds that it is confidential business information. EPA has promulgated regulations, under 40 CFR Part 2, Subpart B, to protect confidential business information that it receives. Hickman's Family Farms may assert a business confidentiality claim (in the manner specified in 40 CFR § 2.203(b)) for all or part of the information requested by EPA. However, business information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 CFR § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 CFR Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
6. If information or documents not known or available to Hickman's Family Farms at the time of its response to this Request for Information later become known or available to it, it must supplement its response to EPA. Moreover, should Hickman's Family Farms find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Company must notify EPA as soon as possible and provide EPA with a corrected response.
7. If information responsive to a request is not in the possession, custody or control of Hickman's Family Farms, identify the persons or entities from whom such information may be obtained. For each individual or entity that possesses responsive information, please provide the following: name, last known or current address, telephone number, and affiliation with Hickman's Family Farms or the

Facility.

8. If you believe there are grounds for withholding information or documents that are responsive to this request, e.g., attorney-client privilege, you must identify the information or documents and state the basis for withholding the information.

DEFINITIONS

The following definitions apply to the following terms (words or phrases) as they appear in this Request for Information. Defined terms are enclosed in quotation marks:

1. "You" or the "Company" shall mean Hickman's Family Farms, or its officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. "Facility" means all buildings, equipment, structures, well, pit, pond, lagoon, impoundment, ditch, site, area, or stationary items, including manmade as well as natural structures owned, leased, or operated by Hickman Family Farms at each of the following properties (or contiguous or adjacent to such property or properties):

Maricopa – 12710 N. Murphy Rd., Maricopa, AZ 85239
Arlington North – 32902 W. Ward Rd., Arlington, AZ 85322
Arlington South – 32425 W. Salome Highway, Arlington, AZ 85322
Tonopah – 41717 W. Indian School Rd., Tonopah, AZ 85364
3. "Document" or "documents" shall mean any printing, typing, writing, photostat, or any other copy, microfilm, film record, video record, CD, sound recording, tape, disc, or other type of memory associated with computers, including any instructions necessary to read such material, and any other tangible item recording information.
4. "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. §9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substances, extremely hazardous substances, regulated substances, air pollutant, pollutants or contaminants.
5. "Standard Operating Procedure" or "SOP" means any express method or series of protocols to be followed routinely for the performance of designated operations or in designated situations by you or your subcontractors.
6. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, EPCRA, 40 CFR Part 300, 40 CFR Part 302, or 40 CFR Part 355, in which case the statutory or regulatory definitions shall apply.

REQUEST FOR INFORMATION

Answer questions 1, 3 and 4 below for each of the following Hickman Family Farms properties:

Maricopa – 12710 N. Murphy Rd., Maricopa, AZ 85239
Arlington North – 32902 W. Ward Rd., Arlington, AZ 85322
Arlington South – 32425 W. Salome Highway, Arlington, AZ 85322
Tonopah – 41717 W. Indian School Rd., Tonopah, AZ 85364

1. Submit a copy of all supporting documents, materials and other information for the Continuous Release Notification Forms submitted by Hickman's Family Farms to the Arizona Department of Environmental Quality, dated March 30, 2017, including, but not limited to, release data, engineering estimates, and operating history.
2. Submit a copy of any other release or emission report or notification form submitted to any governmental entity (e.g., Arizona Department for Environmental Quality, State Emergency Response Commission, Local Emergency Planning Committee, Maricopa County, Pinal County, National Response Center, or EPA) concerning the release or emission (even if permitted) of any hazardous substance and extremely hazardous substance at or from any Hickman's Family Farms facility.
3. Provide for each Facility a facility map, plot plan and site plan/as built drawing, including any area where hazardous substances or extremely hazardous substances are/were generated, managed, received, stored, used, mixed or released.
4. Provide a process diagram and describe how animal waste is/was managed at the Facility in 2014, 2015, 2016 and 2017, including the type of animals (i.e., laying hens, broilers, other chickens, ducks, turkeys, sheep, lambs, horses, cows, veal, cattle and swine), whether the animals are stabled, how animal waste is handled, and the daily average number of animals and quantity of animal waste at the Facility.
5. Provide a list of all releases or emissions of a hazardous substance or extremely hazardous substance from any Hickman's Family Farms facilities that occurred between January 1, 2012 and May 1, 2017. The list should include
 - a. Facility name and location;
 - b. date and time of the release or emission;
 - c. name and CAS No. of the substance;
 - d. quantity and nature (e.g., liquid, gas, powder, etc.) of the substance;
 - e. description of how the quantity was determined; and
 - f. description of any remediation, mitigation or prevention measures taken.